

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. 836
ADOPTED ON APRIL 12, 1983

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE
CITY OF SAN DIEGO APPROVING THE PROPOSED SALE OF
CERTAIN REAL PROPERTY WITHIN THE COLUMBIA
REDEVELOPMENT PROJECT, APPROVING THE OWNER
PARTICIPATION AGREEMENT WITH SANTA FE LAND
IMPROVEMENT CO. AND PERMITTING A VARIATION FROM
THE CONTROLS ESTABLISHED BY THE REDEVELOPMENT
PLAN.

WHEREAS, the Redevelopment Agency of The City of San Diego ("Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Columbia Redevelopment Project; and

WHEREAS, in order to carry out and implement such Redevelopment Plan, the Agency proposes to enter into an Owner Participation Agreement ("Agreement") with Santa Fe Land Improvement Co. ("Santa Fe") for the sale and development of certain real property within such Project area; and

WHEREAS, Santa Fe has submitted to the Agency copies of the proposed Agreement; and

WHEREAS, the Centre City Development Corporation ("CCDC") has reviewed the proposed Agreement and recommended its approval by the Agency; and

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code, Section 33000 et seq.) the Agency held a duly noticed public hearing on the Agreement and proposed sale of real property; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Agreement and believes that the redevelopment of the site pursuant thereto is in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law and requirements.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of The City of San Diego as follows:

1. The Agency recognizes that it has received and heard all oral and written objections to the proposed Agreement and to the proposed sale of real property as described therein, and that all such oral and written objections are hereby overruled.

2. The sale of the Ash/Kettner Parcel, Acquisition Assistance Parcels and Spur Parcel, and the proposed Agreement which establishes the terms and conditions therefor are hereby approved.

3. The Agency hereby finds as follows with respect to the approximately 15% variation for floor area ratio contained in the Agreement over the

controls established in the Redevelopment Plan:

(a) The application of the Plan's provisions, e.g., a floor area ratio of 5, would result in practical difficulties or unnecessary hardships which would make development inconsistent with the general purpose and intent of the Redevelopment Plan.

Santa Fe intends to develop the 17 acre site as an integrated development. In the event that Santa Fe were to develop the site uniformly with structures of the same maximum floor area ratio, the development would result in the static placement of structures of uniform density. These would have the tendency to create a wall of development which would block views and therefore, visual access to the San Diego waterfront. A principal objective of the Redevelopment Plan, which is to accommodate off-site vistas to San Diego Bay, would be enhanced by permitting minor variations to the FAR limitation on the Santa Fe site.

(b) There are exceptional circumstances or conditions applicable to the property or to the intended development which do not apply generally to other properties in the Redevelopment Project Area.

A large portion of the site will be devoted to the preservation of the Santa Fe Depot at the low scale of its present development. In order to accomplish this objective the density which would normally be permitted on the depot site must be accommodated on the

balance of the Santa Fe site. This transfer of density increases the scale of development which exceeds the permitted mass of development in the Redevelopment Plan.

Development on the site will be accompanied by the removal and relocation of tracks and other rail facilities which will result in exceptionally high costs associated with the development of this property as compared with other properties in the area.

Since the entire area between Broadway and Ash Street is under a single ownership, the developer has the opportunity to vary the density across the project and therefore create a more varied and interesting skyline than would otherwise be permitted if strict adherence to the FAR and height limit were required.

(c) Permitting a variation will not be materially detrimental to the public welfare or injurious to other property in the area and contrary to the objectives of the Plan.

Permitting a variation will not be detrimental to the adjoining property, as it will create better visual access to the waterfront for the properties located east of the Santa Fe Development.

4. The Chairman of the Agency is hereby authorized and directed to execute the Agreement concurrently with the execution of the Agreement by Santa Fe. Such execution shall occur within fifteen (15) days after the effective date of the Ordinance approving the Development Agreement, or this action shall be null and void.

5. The Executive Director of the Agency (or his designee), is hereby authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the Agreement, and to administer the Agency's obligations, responsibilities and duties to be performed under the Agreement.

APPROVED: John W. Witt, General Counsel

By Janis Sammartino Gardner Deputy Counsel

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Or.Dept:CCDC

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